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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Civil No.: CV07-6162 BZ
)	
Plaintiff,)	AT LAW AND IN ADMIRALTY
)	
v.)	
)	
Tackle, apparel, furnishings, spares, tools,)	CASE MANAGEMENT STATEMENT
equipment and certain other appurtenances of)	BY PLAINTIFF UNITED STATES
the SS INDEPENDENCE (O.N. 261147),)	
<u>in rem</u> ,)	
)	
Defendant.)	

Pursuant to this Court's orders, the Local Rules of Court and the Federal Rules of Civil Procedure, plaintiff United States submits this case management conference statement.

1 No appearance has been made to date on behalf of the defendant res, nor by any alleged
2 owner or other lien claimant.

3 1. Jurisdiction and Service:

4 This is a ship mortgage foreclosure action in admiralty by the United States of
5 America, pursuant to Rule 9(h) of the Fed.R.Civ.Pro., against certain furnishings,
6 equipment, appurtenances, etc., of the vessel previously known as the SS INDEPENDENCE,
7 in rem. The aforesaid defendant items are being held at an office of the United States
8 Maritime Administration ("MARAD") in San Francisco and in its warehouse in Alameda,
9 and thus within this District and the jurisdiction of this Court. The Government previously
10 foreclosed on the ship in a proceeding in the Eastern District of California, where the vessel
11 was sold and its sale confirmed, in partial satisfaction of its indebtedness to the Government
12 under the mortgage. A significant deficiency remains.

13 Service by regular mail was made on the last known owner of the aforesaid defendant
14 items, which entity is believed to have been discharged in Bankruptcy, and one known entity
15 with a possible lien. The Marshal arrested the defendant items last week in San Francisco
16 and Alameda, and turned them over for safekeeping to the Court appointed substitute
17 custodian at MARAD. The Marshal will publish the arrest in the immediate future in the
18 form approved by the Court, which form was attached to the maritime warrant of arrest
19 issued by the Court.

20 2. Facts:

21 The owner of the SS INDEPENDENCE defaulted on Government guaranteed
22 obligations which led to the turn over of the ship and its equipment, appurtenances, etc., to
23 MARAD after relief from the Bankruptcy stay was obtained; movement of the vessel itself
24 to and arrest in the Eastern District of California; and its eventual sale in that District in
25 partial satisfaction of amounts owing to the Government. Some equipment and
26 appurtenances of the ship, mostly from its gift shop, were retained for safekeeping in
27

MARAD facilities in the Northern District of California, and are now the subject of this separate admiralty foreclosure action.

3. Legal Issues:

It does not appear at this time that the Government's claims will be challenged.

4. Motions:

The United States applied for and obtained a warrant of arrest for the aforesaid appurtenances, and thereafter applied for and obtained an order appointing a substitute custodian for those items following their arrest. The United States anticipates moving for default at the appropriate time, and for interlocutory sale of the items by the Marshal thereafter, which, upon confirmation, will likely conclude this action, unless intervenors appear to assert liens against either the items or the proceeds from their sale, if any.

5. Amendment of Pleadings:

None anticipated at this time.

6. Evidence Preservation:

The documents presented with the Complaint constitute the primary evidence of the mortgage and the obligations in this case. Otherwise, the client agency has been instructed to preserve its files.

7. Disclosures:

No other parties have appeared to date. The basic documents in support of the Government's case are attached to its Complaint.

8. Discovery:

None anticipated at this time, unless some entity or person seeks to intervene.

9. Class Actions:

Not applicable.

10. Related Cases:

None are known to be presently pending. The aforementioned action against the vessel

1 in the Eastern District has been concluded.

2 11. Relief:

3 The United States seeks to sell the defendant appurtenances in an admiralty sale and
4 apply the proceeds to the outstanding deficiency.

5 12. Settlement and ADR:

6 Not applicable, unless some entity or person seeks to intervene. A conference is
7 scheduled with the ADR clerk on March 26, 2008.

8 13. Consent to Magistrate Judge for All Purposes:

9 The United States has so consented.

10 14. Other References:

11 Nothing.

12 15. Narrowing of Issues:

13 Nothing.

14 16. Expedited Schedule:

15 Once the appropriate notice has been published, arrangements have been made for
16 sale, and the time for appearance has run and default taken, the United States intends to move
17 for interlocutory sale of the defendant items, in rem, which upon confirmation of the sale and
18 distribution of any proceeds therefrom, will likely conclude this case.

19 17. Scheduling:

20 The United States suggests a further case management conference in 4 months time.

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18. Trial:

At this time it appears that a trial will not be necessary in this case.

19. Disclosure of Non-Party Interested Entities or Persons:

None are known to the United States at this time.

Dated: March 24, 2008

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 24, 2008, I served a copy of the foregoing Case Management Statement by first-class mail, postage prepaid, upon the following:

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